

### REMARKS

Favorable reconsideration and allowance of the present application are respectfully requested in view of the following remarks. Claims 12-15 are added and claims 1-7 have been amended in this reply. Therefore, claims 1-15 are pending in the application. Claims 1 and 7 are the independent claims.

#### Claim Rejections Under 35 U.S.C. § 103(a) -- Lee, Clapper

Claims 1-3, 5, 7-9 and 11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Lee (U.S. Patent Publication No. 2003/0049022; hereinafter "Lee") in view of Clapper (U.S. Patent No. 6,925,602; hereinafter "Clapper"). These rejections are respectfully traversed. Applicants initially note that neither Clapper nor Lee deal specifically with a digital camera, as found in amended independent claims 1 and 7. Applicants further assert that the present invention as claimed is distinct over the cited art in many additional ways.

Lee describes an optical disk reproducing system for reproducing still picture in which a user selects a still picture contained on a DVD audio disk. The number of still pictures contained in the disk track is detected. The system divides displays into a plurality of sections and the number of sections depends on the number of still pictures. The still pictures are scaled according to the sizes of the sections and are mapped to the divided display.

However, this is wholly unlike embodiments of the present invention, which provides a digital camera and a method, used in a digital camera, of reproducing a moving image of a predetermined length having a plurality of frame images. Embodiments of the present invention include a moving image processing device for extracting the frame images as index images from the moving image at regular intervals. A first display device displays the index images in a divided display area and changes the number to divide the display area by in accordance with the number of the index images extracted from the moving image of the predetermined length.

Therefore, embodiments of the present invention allow a user to easily recognize the outline of whole moving image.

In contrast, Lee is not concerned with reproducing a moving image of a predetermined length having a plurality of frame images. Lee merely describes displaying still pictures contained in each track of the DVD audio disk. The still pictures are a series of unrelated and fixed images. In other words, the still pictures are not time-based and are not index images extracted from a moving image as required in the present invention. Thus, Lee neither teaches nor suggests "displaying the index images in a divided display area of a first display device, the first display device changing the number to divide the display area in accordance with the number of the index images extracted from the moving image of the predetermined length" as recited in independent claim 1 of the present invention.

Furthermore, none of the relied upon portions of Lee is concerned with reproducing of the moving image from the scene corresponding to a selected index image as in the present invention. As discussed above, Lee merely describes displaying a series of unrelated and fixed still pictures contained in each track of the DVD audio disk. A user can highlight a still picture and restore the picture to its normal resolution. However, this is fundamentally different from the present invention in which when a user selects an index image, the moving image is reproduced from the scene corresponding to the selected index image. The present invention seeks to provide a user to quickly find a desired scene to start reproduction of the moving image. Lee is not concerned with providing such features. Thus, Lee neither teaches nor suggests "a controller to start reproduction of the moving image from the scene corresponding to a selected index image" as recited in independent claim 1 of the present invention.

Clapper describes a digital video editing system with a graphical user interface that facilitates the selection of a video sequence. The user may select a starting frame, a time interval, and a number of frames within the time interval, which may be represented by

thumbnail depictions of selected video frames. The user edits the portions of the video sequence represented by the thumbnail depictions.

However, Clapper is not concerned with reproducing a moving image of a predetermined length having a plurality of frame images as in the present invention. Instead, Clapper is directed to displaying thumbnail frames of a video sequence and the number of thumbnail frames to be displayed depends on a selection by a user or the system. The thumbnail frames are extracted from a video sequence with a start time and a time interval selected by a user of the system. In contrast, the present invention extracts frame images as index images from the moving image at regular intervals. The display device changes the number to divide the display area by in accordance with the number of the index images extracted from the moving image of the predetermined length. The number of images extracted will of course reflect the length of the regular interval. Thus, similarly to Lee, Clapper neither teaches or suggests "displaying the index images in a divided display area of a first display device, the first display device changing the number to divide the display area by in accordance with the number of the index images extracted from the moving image of the predetermined length" as recited in independent claim 1 of the present invention.

In addition, Clapper is directed to displaying a representation of a selected interval of a video sequence and allowing a user to edit the video sequence. For example, the user can eliminate group of frames by indicating a start and stop frame for the group of frames. Also, different video effects may be applied selectively to a video sequence represented by the thumbnail frame. However, nowhere in Clapper is there mention or suggestion of allowing a user to select an index image and the moving image is reproduced from the scene corresponding to a selected index image. The present invention seeks to provide a user to quickly find a desired scene to start reproduction of the moving image. Clapper is not concerned with providing such features. Thus, similarly to Lee, Clapper neither teaches nor suggests "a controller to start reproduction of the moving image from the scene corresponding to a selected index image" as recited in independent claim 1 of the present invention.

Applicants respectfully submit that there is no reason or motivation to combine Lee and Clapper. Specifically, Lee is directed to a method of displaying high quality still pictures contained in a DVD audio disk. Clapper, on the other hand, is directed to providing a user the ability to manipulate video sequence data using thumbnail frames. These references are responsive to different problems and thus it is respectfully submitted that the combination of these references to produce the present claimed invention would not be obvious.

Even if there were a motivation to combine the systems of Lee and Clapper, the combined system would not produce the present invention as recited in independent claim 1. Instead, the system resulting from the above combination would yield a system that allows a user to manipulate still image data of a DVD audio disk on a graphical user interface. This is wholly unlike the present claimed invention and provides no common problem recognition with the present invention. Specifically, it is respectfully submitted that the combination, similarly to the individual systems of Lee and Clapper, neither discloses nor suggests "displaying the index images in a divided display area of a first display device, the first display device changing the number to divide the display area in accordance with the number of the index images extracted from the moving image of the predetermined length" and "a controller to start reproduction of the moving image from the scene corresponding to a selected index image" as recited in independent claim 1 of the present invention.

Independent claim 7 recites "displaying the index images in a divided display area of a first display device, the first display device changing the number to divide the display area by in accordance with the number of the index images extracted from the moving image of the predetermined length; and starting reproduction of the moving image from the scene corresponding to a selected index image." Claim 7 thus includes the similar patentable features as discussed above with respect to independent claim 1, and the same arguments asserted above as to claim 1 are equally applied to claim 7.

To establish a *prima facie* case of obviousness, the prior art references, when combined, must teach or suggest all the claim limitations. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). Additionally, there must be a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does. KSR International Co. v Teleflex Inc., 82 USPQ2d 1385 (U.S. 2007). Mere conclusory statements cannot sustain rejections on obviousness grounds; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. *Id.*

In view of the amendments to independent claims 1 and 7, and in light of the standards recited above related to obviousness, Applicants respectfully submitted that the Office Action has not made out a *prima facie* case of obviousness as to independent claims 1 and 7. As discussed with respect to claims 1 and 7 above, Lee and Clapper when taken alone or in combination, neither teaches nor suggests all the features of claim 1. Further, there is no reason to combine the references, as discussed above. Applicants respectfully submit that these rejections should be reconsidered and withdrawn.

As claims 2, 3, 5, 8, 9, and 11, these claims are also allowable for at least the reasons set forth above regarding their corresponding independent claims, and/or for the further features claimed therein. Applicants respectfully submit that these rejections should be reconsidered and withdrawn.

Claim Rejections Under 35 U.S.C. § 103(a) – Lee, Clapper, Shiiyama

Claims 4, 6, and 10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Lee and Clapper and further in view of Shiiyama (U.S. Patent Publication 2003/0026594; hereinafter "Shiiyama"). These rejections are respectfully traversed.

Claims 4, 6, and 10 are dependent on claims 1 and 7 respectively. These claims are allowable for at least the reasons set forth above regarding their corresponding independent claims, and/or for the further features claimed therein. It is thus further respectfully submitted that these rejections should be reconsidered and withdrawn.

#### New Claims

Claims 12-15 are added through this Reply. These claims depend from independent claims 1 and 7 respectively. These claims are allowable for at least the reasons set forth above regarding their corresponding independent claims, and/or for the further features claimed therein. Applicants respectfully request that the new claims be allowed.

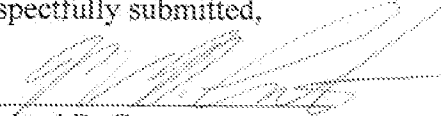
**CONCLUSION**

In view of the above remarks, it is believed that all pending claims are in condition for allowance. Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact James M. Alpert, Reg. No. 59,926 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

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